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May 3, 2005

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Total Number of Pages in This Submission

6

Application Number

10/066,712

Filing Date

1/28/2002

First Named Inventor

Perena

Art Unit

3611

Examiner Name

Luby

Attorney Docket Number

PERE100

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

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Date	5/3/2005	Reg. No.	33627

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Perena

PATENTS

Serial No. 10/056,712

Group Art Unit: 3611

Filed: 1/28/2002

Examiner: Luby

For: WALKING ASSISTANCE DEVICE

RESPONSE UNDER 37 CFR 1.112

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This is responsive to the Office Action dated February 3, 2005, which Office Action set a three-month time limit to respond. This Office Action was considered to be improper in that it violated the clear dictates of the M.P.E.P. Accordingly, a paper was submitted requesting the examiner to withdraw the rejections set forth in the Office Action. The examiner then issued an Office Action dated March 8, 2005 setting forth a one-month time limit to respond which was said to supersede the time limit set in the February 3, 2005 Office Action. As this Office Action failed to withdraw the rejections as requested, a petition under 37 CFR 1.181 was filed. As a decision has not yet been made on that petition, this response to the Office Action dated February 3, 2005 is submitted. Should a favorable decision on the petition be forthcoming, the decision should be looked upon as taking precedence over this response. The examiner is requested to withdraw the one-month time limit set in the Office Action dated March 8, 2005 and reinstate the three-month time limit set in the Office Action dated February 3, 2005. Applicant is unaware of any authority for setting a three-month time limit and then shortening that time limit as the examiner has done. The examiner has cited no authority